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EXAMINER

LOWE, MICHAEL S

ART UNIT PAPER NUMBER

3652

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/649,709

Applicant(s)

BESSETTE, HOWARD

Examiner

M. Scott Lowe

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☒ Claim(s) 8-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. It is not clear how the device receives the arrow. If it receives it at the arrowhead then the target is in the way. The arrow feathers are on the other end so it cannot be attached from that direction. There does not seem to any explanation of how it would be attached to the arrow in any other way.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3,7 are rejected under 35 U.S.C. 102(b) as being anticipated by Judd (US 1,520,716).

Re claim 1, Judd teaches a device that can remove elongated tubular objects such as arrows comprising:

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a main body sized for grasping with the palm and fingers of a users hand, the main body having a substantially flat front surface;  
first and second cams 6,6' rotatably mounted to the front surface, the cams rotatable from a closed position through an intermediate position to an open position, the open position providing adequate separation between the cams to receive an arrow shaft positioned substantially flat upon the front surface, the intermediate position frictionally engaging the inserted arrow shaft and the closed position providing no greater separation between the cams than a shaft diameter of the smallest shaft arrow intended for use.

Re claim 2, Judd teaches means for resiliently urging the first cam 6 and second cam 6' to the closed position.

Re claim 3, Judd teaches the main body incorporates finger cutouts 2', 2b, 5, 5b on a first edge substantially perpendicular to an axis parallel to an arrow shaft received between the cams.

Re claim 7, Judd teaches the first and second cams are substantially circular and each cam is mounted to the main body with an off-center axle 7.

Claims 1,2,7 are rejected under 35 U.S.C. 102(b) as being anticipated by Giacomini (US 5,743,340).

Re claim 1, Giacomini teaches a device that can remove elongated tubular objects such as arrows comprising:

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a main body sized for grasping with the palm and fingers of a users hand, the main body having a substantially flat front surface;  
first and second cams 22 rotatably mounted to the front surface, the cams rotatable from a closed position through an intermediate position to an open position, the open position providing adequate separation between the cams to receive an arrow shaft positioned substantially flat upon the front surface, the intermediate position frictionally engaging the inserted arrow shaft and the closed position providing no greater separation between the cams than a shaft diameter of the smallest shaft arrow intended for use.

Re claim 2, Giacomini teaches means (gravity) for resiliently urging the first cam 22 and second cam 22 to the closed position.

Re claim 7, Giacomini teaches the first and second cams are substantially circular and each cam is mounted to the main body with an off-center axle 23.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Judd (US 1,520,716) in view of Binette (US 5,445,424).

Re claims 4-6, Judd is silent on types of contact surface materials. However, Binette teaches (column 3, lines 54-60) that the material at the contact points with an arrow to be removed should be soft enough not to damage the arrow and have a good friction coefficient to prevent sliding. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Judd by the teaching of Binette to have the contact points (cam surface and front contact surface) made of a material at the contact points with an arrow to be removed should be soft enough not to damage the arrow and have a good friction coefficient to prevent sliding.

Claim 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giacomini (US 5,743,340) in view of Binette (US 5,445,424).

Re claim 3, Giacomini does not teach the main body incorporating finger cutouts on a first edge substantially perpendicular to an axis parallel to an arrow shaft received between the cams. Binette teaches finger cutouts on the main body incorporating finger cutouts on a first edge substantially perpendicular to an axis parallel to an arrow shaft in order to make gripping easier. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Giacomini by the general teaching of Binette to have finger cutouts on the main body incorporating finger cutouts on a first edge substantially perpendicular to an axis parallel to an arrow shaft in order to make gripping easier.

Re claims 4-6, Giacomini is silent on types of contact surface materials. However, Binette teaches (column 3, lines 54-60) that the material at the contact points

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with an arrow to be removed should be soft enough not to damage the arrow and have a good friction coefficient to prevent sliding. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Giacomini by the teaching of Binette to have the contact points (cam surface and front contact surface) made of a material at the contact points with an arrow to be removed should be soft enough not to damage the arrow and have a good friction coefficient to prevent sliding.

***Allowable Subject Matter***

Claim 11 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 1st paragraph, set forth in this Office action.

Claims 8-10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 1st paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Re claim 11, the prior art taken as a whole does not show nor suggest a side of the main body further containing a depression to engage an arrow tip extending through a target and a pressure surface on the main body opposite the side containing the depression to allow the arrow tip engaged in the depression to be pressed into the target with a pin extending substantially parallel to the axle and diametrically aligned therewith, and the main body further including a relief receiving the pin from each cam. The closest prior art, Judd, does not include a side of the main body further containing a depression to engage an arrow tip extending through a target and a pressure surface on

the main body opposite the side containing the depression to allow the arrow tip engaged in the depression to be pressed into the target with a pin extending substantially parallel to the axle and diametrically aligned therewith, and the main body further including a relief receiving the pin from each cam as required by the claim and there is no motivation absent the applicant's own disclosure, to modify the Judd reference in the manner required by the claims.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Miles (US 6,739,030) teaches an arrow remover.

Downing (US 2004/0066050) teaches an arrow remover.

Bulot (US 5,546,621) teaches an arrow remover.

Blum (US 6,253,753) teaches an arrow remover.

Ravencroft (US 5,544,926) teaches an arrow remover.

Jandura (US 3,890,692) teaches an arrow remover.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Scott Lowe whose telephone number is 703-305-1940. The examiner can normally be reached on 6:30am-4:30pm M,Tu,Th,F.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on 703-308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

msl



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